

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 24 2007

Application No. : 10/650,605
Confirmation No. : 8310
Inventor : Edmund O. Schweitzer III
Filed : 08/28/2003
TC/A.U. : 2836
Examiner : Ann Thi Hoang
Title : DISTANCE PROTECTIVE RELAY USING A PROGRAMMABLE
THERMAL MODEL FOR THERMAL PROTECTION
Docket No. : 1444-0003

To: Office of Petitions
Commissioner for Patents
VIA FACSIMILE (571) 273-8300

PETITION TO WITHDRAW WITHHOLDING OF ABANDONMENT CFR §1.181

Sir:

On August 28, 2003, an application was filed and assigned Serial No. 10/650,605. On August 14, 2006, we received a Notice of Allowance and Fee(s) Due Statement for the application identified herein, with a required due date of November 13, 2006.

Our office filed the Notice of Allowance and Fee(s) Due Statement via facsimile on November 10, 2006, three days prior to the due date, authorizing the Issue Fee of \$1,400.00 and the Publication Fee of \$300.00 be charged to our Deposit Account.

On December 28, 2006, the file was abandoned for non-payment of the required fees.

RECEIVED
CENTRAL FAX CENTER

Appl. No. 10/650,605

PETITION TO WITHDRAW WITHHOLDING OF ABANDONMENT CFR §1.181

JAN 24 2007

A review of this file indicates that, although we authorized the required fees to be charged to our Deposit Account, the Deposit Account number was omitted from the Issue Fee Transmittal Form, PTOL-85. (Attached as Exhibit A)

A further review of this file brings to our attention a Fee Transmittal, PTO/SB/17, filed on January 20, 2004, authorizing The Director to *Charge any additional fee(s) or any underpayment of fee(s)*. (Attached as Exhibit B)

In addition, on January 31, 2006, a Reply to the Office Action of November 1, 2005 was submitted. On Page 9 of said Reply, the Conclusion paragraph included the statement "*Further, although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments to Cook, Alex. McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0003)*". (Attached as Exhibit C)

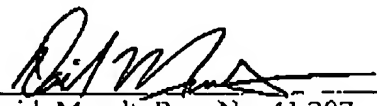
As a result of the previously-submitted Fee Transmittal, we feel that the Issue Fees should have been authorized to our Deposit Account.

We respectfully request that you review the enclosed Exhibits, and Withdraw the Withholding of the Issuance of this Patent.

Respectfully submitted,

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

By:


David Mundt, Reg. No. 41,207

200 West Adams Street, Suite 2850
Chicago, Illinois 60606

Telephone (312) 419-0800
Facsimile (312) 419-0703

January 24, 2007

JAN 24 2007

EXHIBIT A, PAGE 2, OF 3

PTO/SB/87 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

Issue Fee Transmittal for Serial No. 10/650,605

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on November 11, 2006
Date



Signature

Kim Canchola

Typed or printed name of person signing Certificate

(312) 419-0800

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

01/24/07 16:06 FAX 312 984 0146
11/10/06 06:33 FAX 312 909 0140

EUGENE M. CUMMINGS PC
EUGENE M. CUMMINGS PC

RECEIVED 006
CENTRAL FAX CENTER 001

JAN 24 2007

*** TX REPORT ***

EXHIBIT A, PAGE 3 OF 3

TRANSMISSION OK

TX/RX NO 2318
CONNECTION TEL 915712732885
SUBADDRESS
CONNECTION ID
ST. TIME 11/10 08:52
USAGE T 00'39
PGS. SENT
RESULT

OK

FACSIMILE TRANSMISSION

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER, LTD.

One North Wacker Drive, Suite 4130

Chicago, Illinois 60606

Telephone: (312) 419-0800

Facsimile: (312) 419-0703

To: Commissioner for Patents Date: November 10, 2006
Mail Stop Issue Fee
Fax #: (571) 273-2885 Pages: 3, including this cover sheet.
From: David M. Mundt, Esq.
Subject: ISSUE FEE TRANSMITTAL FOR Serial No. 10/650,605
Docket No. 1444-0003

COMMENTS:

The following documents are transmitted herewith:

- 1 Page Facsimile Coversheet
- 1 Page PTOL-85
- 1 Page Certificate of Transmission via Facsimile

Appl. No. 10/650,605
Reply to Office Action of November 1, 2005

EXHIBIT C, PAGE 1 of 1

submits that as all elements of claim 1 are not disclosed by the combined disclosure of Griesemer and Davis, an obviousness rejection cannot be sustained. Applicant further respectfully submits that as claims 2 through 7 are directly or indirectly dependent on claim 1, if Examiner should find claim 1 allowable, all other claims should be allowed as well.

CONCLUSION

Applicant respectfully submits that in light of the arguments set forth in this response, this application is now in condition for allowance, and respectfully requests that a timely Notice of Allowance be issued. However, should Examiner be of the opinion that further amendments or response is required, Applicant encourages Examiner to contact the undersigned attorney at the telephone number set forth below. Further, although no additional fees are believed to be due at this time, the Commissioner is authorized to charge any additional fees or deficiencies or credit any overpayments to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Deposit Account No. 50-1039 with reference to attorney docket number (1444-0003).

Respectfully submitted,

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

By: 
David Mundt, Reg. No. 41,207

200 West Adams Street, Suite 2850
Chicago, Illinois 60606

(312) 984-0144 (Telephone)
(312) 984-0146 (Facsimile)

PART B - FEE(S) TRANSMITTAL EXHIBIT A, PAGE 1 OF 3

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885

RECEIVED
 CENTRAL FAX CENTER

JAN 24 2007

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

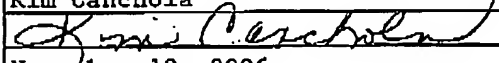
08/11/2006

David M. Mundt, Esq.
 Cook, Alex, McFarron, Manzo, Cummings
 & Mehler, Ltd.
 200 West Adams Street, Suite 2850
 Chicago, IL 60606

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Kim Canchola (Depositor's name)
 (Signature)
 November 10, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650.605	08/28/2003	Edmund O. Schweitzer III	1444-0003	8310

TITLE OF INVENTION: DISTANCE PROTECTIVE RELAY USING A PROGRAMMABLE THERMAL MODEL FOR THERMAL PROTECTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	11/13/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOANG, ANN THI	2836	361-103000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.361).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Cook, Alex, McFarron,

2 Manzo, Cummings &

3 Mehler, Ltd.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Schweitzer Engineering Laboratories, Inc.

Pullman, Washington U.S.A.

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

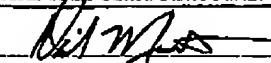
- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above):

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date November 10, 2006

Typed or printed name David M. Mundt

Registration No. 41,207

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JAN 24 2007

EXHIBIT B, PAGE 1 of 1

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known

Application Number	10/650,605
Filing Date	August 28, 2003
First Named Inventor	Schweitzer, III, Edmund O.
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	1444-00083

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

50-1039

COOK, ALEX. MCFARRON,
MANZO, CUMMINGS & MEHLER

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1808 160	2808 160	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$130.00)

SUBMITTED BY

Name (Print/Type) David M. Mundt

Registration No. (Attorney/Agent)

41,207

(Complete if applicable)

Telephone (312) 984-0144

Signature

Date 1-20-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

RECEIVED
CENTRAL FAX CENTER

JAN 24 2007

Facsimile

Cook, Alex, McFarron, Manzo, Cummings & Mehler Ltd.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
Telephone: (312) 419-0800
Facsimile: (312) 419-0703

To: Office of Petitions

From: David M. Mundt, Esq.

Commissioner for Patents

Attorney of Record, Reg. No. 41,207

Fax: 571-273-8300

Pages: 8

Phone: 571-272-3282

Date: 1/24/2007

Re: Application Serial No. 10/650,605

CC:

☐ Urgent☒ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

● **Comments:** To save changes to this template for future use, on the File menu, click **Save As**. In the **Save As Type** box, choose **Document Template** (the filename extensions should change from .doc to .dot) and save the template. Next time you want to use the updated template, on the File menu, click **New**. In the **New Document** task pane, under **Templates**, click **On my computer**. In the **Templates** dialog, your updated template will appear on the **General** tab.